# UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 13

SCHMALBACH-LUBECA PLASTIC CONTAINERS USA, INC. 1

Employer

And

UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA (UE)

Petitioner

Case 13-RC-20743

#### DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record<sup>2</sup> in this proceeding, the undersigned finds:

- 1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
- 2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>3</sup>
  - 3. The labor organization(s) involved claim(s) to represent certain employees of the Employer.
- 4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(I) and Section 2(6) and (7) of the Act.
- 5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:<sup>4</sup>

All production and maintenance employees employed by the Employer at its location currently located at 750 Expressway Drive, Itasca, Illinois, including production leads, maintenance leads, shipping leads, and quality tech leads; but excluding all clerical employees, managerial employees, professional employees, guards, and supervisors as defined in the Act.

#### **DIRECTION OF ELECTION\***

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible

shall vote whether or not they desire to be represented for collective bargaining purposes by United Electrical, Radio and Machine Workers of America (UE).

#### LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359, fn. 17 (1994). Accordingly, it is hereby directed that within 7 days of the date of this Decision 2 copies of an election eligibility list, containing the full names and addresses of all of the eligible voters, shall be filed by the Employer with the undersigned Regional Director who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in Suite 800, 200 West Adams Street, Chicago, Illinois 60606 on or before April 15, 2002. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

#### RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, Franklin Court Building, 1099-14th Street, N.W., Washington, D.C. 20570.** This request must be received by the Board in Washington by April 22, 2002.

**DATED** April 8, 2002 at Chicago, Illinois.

/s/Harvey A. Roth	
Acting Regional Director, Region 13	

<sup>\*/</sup> The National Labor Relations Board provides the following rule with respect to the posting of election notices:

<sup>(</sup>a) Employers shall post copies of the Board's official Notice of Election in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. In elections involving mail ballots, the election shall be deemed to have commenced the day the ballots are deposited by the Regional Director in the mail. In all cases, the notices shall remain posted until the end of the election.

<sup>(</sup>b) The term "working day" shall mean an entire 24-hour period excluding Saturdays, Sundays, and holidays.

<sup>(</sup>c) A party shall be stopped from objection to nonposting of notices if it is responsible for the nonposting. An employer shall be conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Director at least 5 working days prior to the commencement of the election that it has not received copies of the election notice.

- 1/ The names of the parties appear as amended at the hearing.
- $\underline{2}$ / The arguments advanced by the parties at the hearing and in their post-hearing briefs have been carefully considered.
- <u>3</u>/ The Employer is engaged in the manufacture of plastic containers.
- The Petitioner seeks to represent a unit of all production and maintenance employees, including leads and shipping and receiving employees employed by the Employer at its Itasca, Illinois facility but excluding all office clerical employees and guards, professional employees and supervisors as defined by the Act, a unit which it estimates to be ninety persons. Contrary to the Petitioner, the Employer contends that individuals in production lead, maintenance lead, shipping lead, and quality tech lead positions are supervisors within the meaning of §2(11) of the Act and should be excluded from the unit. The parties otherwise apparently agree as to the scope and composition of the unit. At the hearing, the Employer identified five production leads: Salvador Castillo, Jesus A. Garcia, Guillermo Murillo, Linda Carter, and Chris Morgan; two maintenance leads, Jaime Estrada and Gary Hultgren; two shipping leads, Andrew Truss and Jose Contreras; and one quality tech lead, Ray Behm.

Based on the entire record and for the reasons more fully set forth below, I find that the Employer did not meet its burden of demonstrating that the employees working in lead positions as production, maintenance, shipping, and quality tech exercise such a degree of discretion or independent judgment in connection with any of specifications of §2(11) to find them to be supervisors within the meaning of the Act and therefore excluded from any unit found appropriate. Accordingly, I find that the production, maintenance, shipping, and quality tech lead positions are included in the unit found appropriate.

# The Employer's Manufacturing Operation at Itasca

The Employer's Itasca facility operations include maintenance, manufacturing, quality review, packaging, and loading of product. Various testimonies indicates that some production machines operate on a 24 hour, 7 day schedule, while others, such as the labeler, operate on an 8 hour shift. Other equipment operates only three or four days of each week. The record demonstrates the following schedule. Production works a 24-hour, 7-day schedule, with an operating potential of 10 lines plus hand-pack. Maintenance operates with day and night shifts. Shipping operates from 7 AM to generally 11:30 PM but sometimes until 3 AM, but has no scheduled third shift operations. Quality has no third shift operations.

The facility's processes entail the movement of product through stages of production, maintenance, quality review, and shipping. Mary Glowiak, the Employer's HR manager testified that the core business is blow molding, and identified blow molders and palletizes as equipment used on the production floor. She did not elaborate the process for "hand-pack flask" and "labeling" in the production area, or for construction of pallets using the palletizing equipment. The record establishes that employees operate forklifts in production and warehouse areas.

Glowiak's testimony describes the blow molding machines as requiring the highest level of operating skills. These machines are computerized to the extent that they display checkmarks or red coding if the product does not meet specifications; machine operators monitor this information and also the product as it is made, as do production leads. The record indicates that operators turn blow molders on and off using start and shut buttons, and turn on heat lamps and other devices so that the plastic is correctly heated to stretch and be molded. Glowiak testified that the process of producing plastic bottles employs equipment and procedures used in accord with standards identified as "best of class." Christopher Morgan, production lead on the night shift, testified to applying these standards from specification sheets with information on running speed, temperature, and other operating factors for blow molding machines. Jesus A. Garcia also testified that a production schedule "for everybody" describes what is to be produced on each machine, and cannot be changed by production leads.

Jesus Garcia testified that the maintenance shop is located in the production area. Jaime Estrada, one of two maintenance leads working day shifts, testified that maintenance employees perform routine or scheduled maintenance on machines used in production, and also respond to unexpected problems with machines. Routine maintenance is performed based on a repeated schedule of two week's duration, identified as a "two week roller," and prepared by a maintenance supervisor. This schedule depends on the pattern of machine use, and specifies task assignments and the maintenance employees scheduled to perform them.

Medero testified that shipping/receiving operates from two warehouses, and is responsible for loading product from a dock and maintaining records on orders. No testimony addresses the operations of the quality department. However, Employer's exhibits 2 and 4 are identical forms which show that the quality department must approve product from each of the following production stages: Blowmolding, Unscrambler/Lubristat/Counters/Vision Systems, Labelers/Boxmaker/Casepacker, Palletize/Pattern Stacking, and Lantech.

Glowiak testified that on January 1, 2002, the Employer introduced a "pay for skill" structure that tied pay to achievement levels for hourly, but not for salaried, employees. Glowiak testified that effective eighteen months after "pay for skill" was implemented, leads "needed to achieve a level 4 rating" on the Blow Molding Operator Assessment. At that time, reaching that skill level would entitle lead employees to a 15 percent hourly premium over a level 3-achievement rating. However, Glowiak also testified that all of the leads are currently at level 1 or below it, still attempting to achieve "start rate"; and that they were "grand fathered" because they were already leads.

Glowiak testified that "Leadership Training" would be provided all managers and supervisors in 2002. She does not testify that such training has been provided or is scheduled to be provided for leads. Glowiak testified that leads, particularly those in production, have been reluctant to participate in training such as that specified in the "pay for skills" assessment criteria, particularly that specifying "performs annual quality training at shift meetings" and "addresses safety training at shift meetings." Glowiak

testified that leads, except Linda Carter and Chris Morgan, "choose not to be active in the Safety Committee...we have begged people to get more involved in safety."

Glowiak testified that managers and supervisors are salaried and exempt from payment of overtime, but that the Employer generally pays overtime to salaried employees who report to work outside regularly scheduled times. Glowiak also testified that salaried employees are free to rearrange their schedules at will to allow for time off so as not to "burn a vacation day." Employees other than managers and supervisors are hourly employees. The record provides no evidence that the hourly pay of lead employees exceeds that of employees who are not leads.

The record does not indicate that hourly employees including leads are able to swap schedules to obtain time off. Salvador Castillo, a production lead, testified that as a lead he was under the same rules that applied to production employees, and that time taken off for sickness or emergency resulted in "points" being charged for the absence. Castillo also testified that he had the same break and lunch times as those allowed for production employees; the record does not indicate what provisions apply for salaried employees. The record establishes that hourly employees including lead employees accept or decline overtime at will. However, Glowiak testified that the Employer is required by law to give overtime pay to hourly employees including lead employees who choose to work overtime in excess of 40 hours regular work per week.

# The Lead Employees at the Itasca Facility

The lead employees report to the supervisors in their respective departments, including production supervisors Tony Coluzzi, Dan Collette, Don Quelletta, Dan Lauretta, and Chad Silbaugh; maintenance supervisor Bob Lira; and shipping and receiving supervisor Milko Medero. The record does not identify a supervisor in the quality department. The supervisors in turn report to production process manager Shake.

Concerning the duties of lead employees, shipping/receiving supervisor Medero testified that lead employees there make sure that the loads get out on time, ask people to stay over for overtime if they want to, relay work assignments, and change orders in the computer. Jesus Garcia testified that on occasion he completed a form used to indicate to operating status of machines, identified as "Supervisor's Daily Report." He testified that he filled out the form on March 2, 2002, in his supervisor's absence. He testified, "they never told me but since the supervisor does this daily and I think it has to be filled out...that is why I did it.

Jesus Garcia describes his duties as to do "the forklift report," to see which machines are running or stopped, verify if help is needed or a machine is broken, and ask his supervisor for direction for any employee at a broken machine. He also testified that he does not work a specific machine, but relieves linemen on break or lunch at specified intervals<sup>i</sup>.

<sup>&</sup>lt;sup>i</sup> Breaks are scheduled every two hours for employees working eight-hour shifts, and every three hours for employees working twelve-hour shifts.

Jesus Garcia described this process as "looking to make sure things are running, helping the people to see what they need." He testified that he informs his supervisor when more than one machine is stopped to determine which one needs attention first; and, in his supervisor's absence, he does not assign work remaining at the end of shift, but informs the night shift supervisor.

Christopher Morgan described a production lead's duties as making sure that the lines are running, and finding employees to run machines if they are not. Morgan testified that he checks bottles by verifying that the product conforms to the computer's specifications. and that he can stop a machine if the product registers "checks in the red," indicating it is defective. Morgan testified that if a machine breaks, he calls maintenance. He also stated he is not obligated to fill out the "PM Mold Change Approval Form." Morgan testified that if a spot on a line is open at the end of a shift, he can ask an operator if he wants to stay and work overtime, and that he would tell his supervisor later that he did so. Morgan also relieves employees for breaksii, and goes to the break area to direct operators who extend their breaks to return to their machines. Salvador Castillo testified that a production lead he first consults with the supervisor for special instructions, checks the production schedule, and checks if equipment is broken or not operating. If everything is running, Castillo begins to relieve the operators for their lunch breaks. Jose Contreras testified that every day, he received a work order or list of things to do from his supervisor, and that his responsibility is to "tell people...what the boss says there is to be done."

Glowiak testified production and staffing meetings are each held daily, but that she did not attend the production meetings. She testified that the plant manager, operations manager, production process manager, night and day shift supervisors attend production meetings, and maintenance leads; and that production leads fill in for the day shift production supervisor while he attends the production meeting. No lead employee testified to attending daily production meetings with supervisors and managers. Estrada testified that in the event his supervisor was at a meeting, he "just go [es] on with business as usual." Castillo testified that lead men are never invited to meetings, "only managers and supervisors." Jesus A. Garcia and Contreras each testified that he never participates in management meetings.

# Direction of Work by Lead Employees

Concerning the ability of lead employees to direct the work of others, Estrada testified that a maintenance lead might identify for the supervisor individuals to complete task assignments. Unexpected problems requiring the attention of a maintenance employee are brought to the attention of the maintenance supervisor or a maintenance lead by a production supervisor or production leads. Estrada testified that typically, a production lead would go to the production area to assess a problem, then return to maintenance and

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ii Morgan specifies the duration of relief for breaks to be 10, 20. And 10 minutes for employees on eight-hour shifts, and 15, 30, and 15 minutes for employees working twelve-hour shifts.

send a maintenance employee to tend the problem. Morgan testified that "if something is not running, [he] find[s] someone to run that machine...[he] delegate[s] responsibilities to operators on the floor, and [he] use[s his] judgment to say whether this machine should run or not."

However, Jesus A. Garcia testified that he does not change the schedule, and if he were "to move people from one line to another" his supervisor would question why he did so. He also testified that he is able to shut down a machine with a problem, but he has to tell his supervisor why he stopped it.

Milko Medero testified that as supervisor in shipping and receiving, he performs scheduling and that he prints out daily a "to-do list" giving instructions on work for shipping/receiving employees. Contreras also testified that if he has a problem getting Medero's orders carried out, he writes a report "to tell [Medero] what happened yesterday and that's it." He testified that if he had a problem at night, he called Medero or another supervisor for direction.

Morgan also assented that other employees to whom he might assign a task such as cleaning an area do not have to obey him, and that his supervisor could overrule any decisions he makes. Castillo testified that the manager sets the production schedule for his shift, and that he cannot move an operator from one machine to another; that it is the supervisor who does so. If a machine were broken, Castillo testified that he would consult with the supervisor before moving an operator to do different work.

# Participation of Leads in Training

Estrada testified that the maintenance lead either provides "training" for a maintenance employee with a specific question or problem, or team that employee with another maintenance employee who can help him. Jesus A. Garcia testified that he does not train employees, but did explain daily duties to new lead Morgan. Castillo testified that operators train new employees. Contreras testified that he trained more employees when he was a shipping employee than he does currently as a lead employee. Glowiak testified that quality defect training is currently done by the "Q.A. lead," and that "it is really in essence a production item." She also stated that Linda Carter recently became certified to perform forklift training.

# Participation of Leads in Hiring

Glowiak testified that on the production side, the interviewing process for prospective employees includes herself as HR manager, the production process manager Lance Shake, and may include day, but not night, supervisors. Glowiak testified that depending on the demands of the production process, a lead may or may not be called to give the candidate a plant tour, during which the lead may speak to the candidate and provide her with "feedback" afterwards. Without providing details of participation, Glowiak testified that maintenance leads have "sit in on" phone interviews in the past. Some hiring recommendations reportedly made in the past by some leads have been accepted, and

others disregarded. Guillermo Murillo testified that any employee is free to make hiring recommendations, and that in the past; employees earned a cash bonus for referring a new employee. Estrada testified that he interviews prospective employees, and "goes through resumes."

# Recommendations of Disciplinary Action

The record provides no evidence that lead employees discipline or effectively recommend the discipline of employees. Morgan testified he would tell operators who "swear or do something wrong" to stop, and if they don't listen he "can choose to" and "would tell" his supervisor what happened. However, Morgan also testified that he has never disciplined an employee. Estrada testified that a maintenance lead may recommend discipline, and that he did so; however, his testimony does not establish the basis, recommendation, or individuals affected, and the Employer's response (see Employer's Exhibit 5) does not confirm that discipline resulted from any recommendation Estrada may have made.

Medero testified that Drew Truss, his first shift lead man, once discovered on his daily "walkthrough" that a procedure wasn't followed, and thereafter "recommended for an employee to get written up." Medero testified that as a result of Truss's report, the Employer "found out it was another subcontracted employee," who was not written up "because he wasn't at fault."

Murillo testified that he never recommended an employee for disciplinary action. Rather, he explained that once, in relaying his supervisor's order to tell a particular shipping employee to run the production line, he was told by the employee that he had to talk to his supervisor first; Murillo informed his supervisor of that employee's response, and was not involved in the discussion when later when his supervisor sent this person home. Jesus A. Garcia testified that he does not recommend discipline, but is "only a witness" to events, and that he would have to inform his supervisor if he is present when a problem occurs. Contreras testified that he never participated in the discipline of any employee, but did make written reports of infractions "four or five times." Contreras stated that he leaves these in the shipping office for his supervisor, but never learns what happened with them. Glowiak testified that the reporting of incidents such as those made by lead employees and that might ultimately lead to disciplinary action are not made on standard forms, but vary in accord with the writers' preference.

# Granting time off or overtime

Jesus A. Garcia testified that he can't grant days off to operators, but can ask an operator if he is able to stay and work overtime. In that case, he "has to tell the supervisor in order for him to approve overtime in the computer." Jesus A. Garcia testified that he had no access to a computer. Estrada testified that a maintenance lead asks maintenance employees if they can work overtime if, at the end of the day, a maintenance employee is needed for overtime work.

Contreras testified that lead men were informed by a night supervisor that only supervisors and not lead men could sign time cards. Medero testified that it is he who "adjusts the time clock" when shipping/receiving employees work overtime after he leaves for the day.

Morgan testified he could approve an operator's leaving the work area, for example for a brief trip to the washroom, but that his supervisor must approve longer absences.

# **Analysis**

Section 2(11) of the National Labor Relations Act sets forth the test to determine supervisory status. It provides:

The term "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is of a not merely routine or clerical nature, but requires the use of independent judgment.

Possession of any of the indicia listed is enough to make an individual a supervisor *Juniper Industries*, 311 NLRB 109, 110 (1993). However, it is well settled that to support a finding of supervisory status, it must be shown that the individual has the power to act on behalf of the employer with respect to other employees, and exercises independent judgment in doing so. *International Center for Integrative Studies / The Door*, 297 NLRB 601 (1990). The exercise of some supervisory authority "in a merely routine, clerical, perfunctory or sporadic manner does not confer supervisory status on an employee" *Browne of Houston, Inc.*, 280 NLRB 1222, 1223 (1986); *Clark Machine Corp.*, 308 NLRB 555 (1992). In each case, the differentiation must be made between the exercise of independent judgment and the routine following of instructions; between effective recommendation and the forceful suggestion; and between the appearance of supervision and supervision in fact. See *Chevron Shipping Co.*, 317 NLRB 379 (1995); *J. C. Brock Corp.*, 314 NLRB 157 (1994); *Clark Machine Corp.*, supra; and *Quadrex Environmental Co.*, 308 NLRB 101 (1992).

The burden of demonstrating supervisory status rests on the party seeking to establish that status *NLRB v. Kentucky River Community Care, Inc.,* 532 U.S. 706, (2001); *Alois Box Co.*, 326 NLRB 1177 (1998); *Bennett Industries,* 313 NLRB 1363 (1994); *Ohio Masonic Home, Inc.*, 295 NLRB 390 (1989). Moreover, in the event that "the evidence is in conflict or otherwise inconclusive on particular indicia of supervisory authority, [the Board] will find that supervisory status has not been established at least on the basis of those indicia." *Phelps Community Medical Center,* 295 NLRB 486, 490 (1989). Conclusionary evidence regarding the possession of Section 2(11) indicia, whether the evidence is contained in job descriptions, *Crittendon Hospital,* 328 NLRB 879 (1999), or testimony, *Sears, Roebuck & Co.,* 304 NLRB 193 (1991), is insufficient to establish

supervisory status. Thus, where there exists general conclusionary evidence that individuals are responsible for supervising, directing, or instructing others, such evidence, standing alone, is deemed insufficient to prove supervisory status because it does not shed light on exactly what is meant by such general conclusionary words or whether an individual engaging in these activities is required to exercise independent judgment.

Applying these principles to the instant case, I find that the record fails to demonstrate that lead employees, specifically the production lead, maintenance lead, shipping lead, and quality tech lead positions, are supervisors within the meaning of § 2(11) of the Act. While the Employer points to evidence of various factors that it asserts demonstrate supervisory authority, such evidence is either conclusionary or contradicted by other evidence.

Thus, the Employer argues that lead employees have the responsibility for assigning or responsibly directing the employees that work in their various departments on a daily basis, and using independent judgment. In support of this the Employer maintains that leads run the production floor during 7:30 and 10:00 meetings, and direct employees where to go when a machine breaks, using judgment as to how that is to be done. However, there is no evidence that demonstrates how much independent judgment is required to run the production floor during these meetings. For example, the record does not reveal how long the meetings last, whether changes in assignments are often necessary during the meetings, and whether the leads actually make real changes to work assignments during the meetings or merely take stopgap action until the supervisor has returned from the meeting. Moreover, supervisors appear to make the actual work assignments, such as the daily "to-do" list prepared by shipping and receiving supervisor Medero, or the production schedule set by the production manager, and the leads merely relay those instructions to the employees. See *Alois Box*, supra at 1179 (mere distribution of work assignments that are created by management personnel does not confer supervisory status); Blue Star Ready-Mix Concrete Corp., 305 NLRB 429 (1991) Indeed, production lead Morgan admitted that other employees do not have to obey his instructions.

Similarly, while the record shows that leads participate in the interviewing process and have recommended employees for hire, the record reveals that other employees have also successfully recommended applicants for hire. The record does not provide any basis for distinguishing between the leads' recommendations and those of rank and file employees.

Likewise, with regard to discipline, the evidence shows that lead employees report infractions to their supervisors, and that discipline results only after an independent investigation by the supervisor. Other than the assertion that the report of a lead employee made in no standardized format initiates a disciplinary action, the record does not demonstrate that any action by a lead employee in informing a supervisor that circumstances warrant attention bears any weight in the process of determining to issue discipline. Thus the record does not demonstrate that any opinions of lead employees are generally relied upon to effectuate a disciplinary action or "result in personnel action being taken without resort to individual investigation by higher authority." *Hawaiian* 

*Telephone Co.*, 186 NLRB 1 (1970.) Instead, the record establishes that what the Employer asserts to be recommendations of discipline are routine reports, or notifications of conditions warranting investigation rather than recommendations of discipline for particular individuals.

Based on the foregoing, it is the opinion of the undersigned that the record herein fails to establish that lead employees exercise the required independent judgment in assigning or responsibly directing the work of other employees in production, maintenance, shipping/receiving, or quality tech. I cannot, in the absence of finding the exercise of any of the supervisory indicia in § 2(11) with independent judgment, find that lead employees are supervisors. Therefore, I have included them in the unit found appropriate.

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Voter Eligibility-Statutory Exclusion-Supervisors, Guards